

COUNTY OF SUFFOLK



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February 21, 2019

Hon. A. Kathleen Tomlinson, U.S.M.J.
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

RE: McDevitt v. Suffolk County, et al.
CV 16-4164 (JFB)(AKT)

Dear Judge Tomlinson:

This office represents the County defendants in the above captioned action. The defendants write at this time to respectfully request clarification of your Honor's electronic order of February 13, 2019 wherein the Court granted the defendants' motion (DE 86) for an extension of time to complete an IME of the plaintiff. The Court's electronic order reads as follows:

ORDER granting DE 86 Motion for Extension of Time to Complete Discovery. Having thoughtfully reviewed both parties' submissions, the Court is granting Plaintiff's motion. Defendants' IME of the plaintiff must be completed within 21 days. Defendants' counsel is on notice that this deadline will not be further extended. Ordered by Magistrate Judge A. Kathleen Tomlinson on 2/13/2019. (Degennaro, Christopher) (Entered: 02/13/2019)

The second sentence of the order states that the "Court is granting Plaintiff's motion." The defendants respectfully believe that the Court may have made a typographical error by identifying the motion as "Plaintiff motion", as DE 86 was a motion made by the defendants. Accordingly we are seeking clarification regarding the Court's ruling.

I have spoken to plaintiff's counsel, Cory H. Morris, Esq., and advised him that I would be seeking clarification from the Court regarding the above.

I thank the Court for its consideration of this submission.

Respectfully submitted,

Dennis M. Brown
County Attorney

/s/ Kyle O. Wood

Kyle O. Wood
Assistant County Attorney

cc: Cory H. Morris, Esq (via ECF)